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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,743	06/27/2003	Kuo-Wei Feng	FENG3006-EM	5331
23364	7590	03/15/2006	EXAMINER	
BACON & THOMAS, PLLC 625 SLATERS LANE FOURTH FLOOR ALEXANDRIA, VA 22314			DEMILLE, DANTON D	
			ART UNIT	PAPER NUMBER
			3764	

DATE MAILED: 03/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/606,743

Applicant(s)

FENG, KUO-WEI

Examiner

Danton DeMille

Art Unit

3764

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4-9 and 11-17 is/are rejected.
- 7) ☒ Claim(s) 2,3 and 10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. **Claims 16 and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**
3. In claim 16 there is no clear antecedent basis for "said movable platform" and "said second massage mechanism".
4. In claim 17, there is no clear antecedent basis for "said first massage mechanism".

### *Claim Rejections - 35 USC § 103*

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chubinsky.**
7. As broadly recited, Chubinsky teaches negative ion therapy including pressing vital points on the body. The device is intended to be pressed over any desired targeted area of the body. The intended use of Chubinsky would include the abdomen and the buttocks area of the body. To any extent applicant's method of pressing vital points on the body produces desired results recited so would Chubinsky. While Chubinsky doesn't specifically recite using the device over the abdomen or buttocks it would have been obvious to one of ordinary skill in the

art to modify Chubinsky to apply pressure to those areas for massaging the muscles in those areas of the body that would inherently produce the same results as that recited.

**8. Claims 4, 6-9, 11, 15, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Politis in view of Chavanne.**

9. As broadly recited, Politis teaches an apparatus comprising a base 20 with at least one massage mechanism wherein each of the massage mechanisms 86 is composed of a force exerting unit 52, a guide portion 81, a linking-up portion 83, a massaging portion 86 and an elastic element 90, 92. The force-exerting unit 52 is connected with the guide portion 81 which the front end is provided with the linking-up portion 83. The guide portion 81 and the linking-up portion 83 are provided therebetween with the elastic element 90, 92. The linking-up portion 83 is provided on the front end thereof with the massaging portion 86.

10. While Politis doesn't teach that the massaging mechanism is part of a set, Politis teaches that the apparatus can be arranged in duplicate so as to simultaneously press different parts of the body page 3, column 2, lines 59-65. Chavanne teaches a main base 12 with multiple supports for multiple mechanisms so as to be able to manipulate different parts of the body at the same time. It would have been obvious to one of ordinary skill in the art to modify Politis to include a second massaging mechanism to make a set as suggested by Politis and taught by Chavanne so as to be able to massage more than one part of the body at the same time.

11. Regarding claim 8, Politis teaches first adjustment elements 56 and second adjustment elements 31.

12. Regarding claim 9, the massage mechanism is provided with a plate 50 with a screw hole 59.

13. Regarding claim 17, Politis teaches a pair of brackets 24, 25 on the massage mechanism.

14. **Claim 5, 12, 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 4 above, and further in view of Sanders.**

15. Politis appears silent with regard to the exact material the cushion block 86 is made out of however, Sanders teaches the cushion pad 10 is made of sponge rubber page 2 column 2 lines 55-58. While pad 15 is applied to the abdomen of the patient and pad 10 is applied to the buttocks of the patient it would suggest that the pad 15 would also be made of sponge rubber. Moreover, sponge rubber is a well known pad material for cushioning pressure applying members to the human body to protect the user from injury. It would have been obvious to one of ordinary skill in the art to further modify Politis and use sponge rubber for the pad 86 as taught by Sander as an obvious expedient in the art of cushioning the patient from members applying pressure to the body.

16. Regarding claim 12, Sanders teaches a changeable seat 10 and such would have been an obvious provision in Politis to provide support for the buttocks and changeable so as to be replaceable should it become damaged.

17. Regarding claim 16, Sanders also teaches a moving platform 14 with a foot bracket 12 adapted for moving upwards and downwards. It would have been obvious to one of ordinary skill in the art to further modify Politis to include a moving platform as taught by Sanders to provide support for the feet of the patient.

18. **Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 4 above, and further in view of Hsu et al.**

19. It would have been obvious to one of ordinary skill in the art to further modify Politis to include a control panel and display as taught by Hsu to be able to control the operation of the device.

*Allowable Subject Matter*


20. Claims 2, 3, 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Danton DeMille whose telephone number is (571) 272-4974. The examiner can normally be reached on M-F from 8:30 to 6:00 EST.

22. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Huson, can be reached on (571) 272-4887. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

23. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

13 March 2006

  
Danton DeMille  
Primary Examiner  
Art Unit 3764